

*STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION*

# ***AGENDA***

*Wednesday, June 11, 2003  
9:00 a.m.*

|   |
|---|
| <p><b>Water Quality Control Board<br/>Regional Board Meeting Room<br/>9174 Sky Park Court<br/>San Diego, California</b></p> |
|---|

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 28, 2003, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, June 4, 2003 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: [rbagenda@rb9.swrcb.ca.gov](mailto:rbagenda@rb9.swrcb.ca.gov). Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, May 28, 2003.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of*

*order at the discretion of the Chairman.*

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting of May 14, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Laurie Black (tentative Resolution No. R9-2003-0242) (*John Robertus*)

***Consent Calendar: Items 6 through 12 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)***

6. Resolution Certifying a Negative Declaration for General Waste Discharge Requirements for Groundwater Remediation at Petroleum Hydrocarbon Fuel and/or Volatile Organic Compound Impacted Sites. (Tentative Resolution No. R9-2003-0167) (*Julie Chan*)
7. General Waste Discharge Requirements: General Waste Discharge Requirements for Discharges of Treated Groundwater from Volatile Organic Compound Cleanup Sites to Land in the San Diego Region (Tentative Order No. R9-2003-0111) (*Julie Chan*)
8. Administrative Assessment of Civil Liability with Mandatory Minimum Penalties against the City of Coronado for violation of effluent limitations established by Order No. 2000-90, for a groundwater discharge to San Diego Bay during construction of the Glorietta Bay Sewage Pump Station. The Regional Board will consider written comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0243) (*Rebecca Stewart*)
9. Administrative Assessment of Civil Liability against Standard Pacific Homes for violations of the statewide construction storm water general permit, Order No. 99-08-DWQ. The Regional Board will consider written comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2003-0244) (*Rebecca Stewart*)
10. Revision of Waste Discharge Requirements: Otay Mesa Ventures II, L.L.C., Closure and Post-Closure Maintenance for the Class I Waste Management Containment Cell, Omar Rendering Facility, Darling International, San Diego County (tentative Addendum No. 1 to Order No. 97-40) (*Brian McDaniel*)
11. Revision of Waste Discharge and Water Recycling Requirements: City of San Diego, North City Water Reclamation Plant, San Diego County (tentative Addendum No. 1 to Order No. 97-03)

(David Hanson)

12. Revision of NPDES Permit: Encina Wastewater Authority Discharge to the Pacific Ocean through the Encina Ocean Outfall, San Diego County. If adopted, the addendum would allow discharges of excess recycled water and reverse osmosis waste brine from the proposed City of Carlsbad, Carlsbad Water Recycling Facility to the Pacific Ocean through the Encina Ocean Outfall. (Tentative Addendum No. 2 to Order No. 2000-36, NPDES No. CA0107395) (Victor Vasquez)

***Remainder of the Agenda (Non-Consent Items):***

13. NPDES Permit: General Waste Discharge Requirements for Waste Discharges Associated with Marina Operations to Coastal Waters in the San Diego Basin (tentative Order No. R9-2003-0215, NPDES No. CAG999001). *The public comment period will extend to the close of the item on June 11<sup>th</sup>; however, the Regional Board may elect to extend the public comment period beyond the June 11<sup>th</sup> public meeting.* (Pete Michael)
14. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against Shea Homes for violation of SWRCB Order No. 99-08-DWQ, Waste Discharge Requirements for discharges of storm water runoff associated with the Kelly Core construction site located at Cannon Road and Faraday Avenue, Carlsbad in San Diego County. If the discharger elects to waive their right to a hearing, the matter will be rescheduled to allow for a 30-day public review period at which time the Regional Board will consider adoption assessment of civil liability. (Tentative Order No. R9-2003-0253) (Vicente Rodriguez)
15. Referral to Attorney General: A Resolution directing the Executive Officer to request the Attorney General of the State of California to petition the appropriate court to collect \$3,000 from Castillo & Sons for failure to pay Regional Board Order No. R9-2002-0284, Administrative Assessment of Civil Liability Against Castillo & Sons, A&E Auto Recycling for Failure to Pay Annual Fees. (Tentative Resolution No. R9-2003-0164) (Vicente Rodriguez)
16. Referral to Attorney General: A Resolution directing the Executive Officer to request the Attorney General of the State of California to petition the appropriate court to collect \$422,200 from William P. Johnson and Vail Lake, LLC for failure to pay Regional Board Order No. R9-2002-0027, Administrative Assessment of Civil Liability Against William P. Johnson And Vail Lake, LLC for Violations of California Water Code §§ 13267, 13383, and 13376, and State Water Resources Control Board Order No. 99-08-DWQ. (Tentative Resolution No. R9-2003-0245) (Frank Melbourne)
17. Revision of NPDES Permit Monitoring and Reporting Program: City of San Diego E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant Discharge to the Pacific Ocean through the Point Loma Ocean Outfall. If adopted, this addendum would modify the monitoring and reporting program to incorporate recommendations of the Southern California Coastal Water Research Project's Model Monitoring Program for Large Ocean Discharges in Southern California. (Tentative Addendum No. 1 to Order No. 2002-0025, NPDES Permit No. CA0107409) (David Hanson)
18. A Resolution modifying the Regional Board's Waiver Policy to make corrections in response to the results of the State Office of Administrative Law (OAL) review. The Board will consider

adoption of a resolution that will make minor modifications and authorize the Executive Officer to make additional minor modifications to correct deficiencies identified by the OAL. (Tentative Resolution No. R9-2003-0262) (*Christina Arias*)

19. Status Report: U.S. Coast Guard and U.S. Navy Report on Fuel/Oil Spills in San Diego Bay (*John Robertus*)
20. Status Report: Regional Geographical Information System (GIS) (*John Robertus*)
21. *Executive Session* - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:  
*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61; and the related "Surfrider" case:  
  
*Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al.*, Case No. 99-CV-2441-BTM(JFS)  
  
*Rakhra Groups, Inc., v. San Diego Regional Water Quality Control Board* Superior Court of California, San Diego County; Case No. GIC 776251 and Case No. GIC 786516  
  
*San Diego Baykeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego*; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR)
22. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
23. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
24. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
25. Arrangements for Next Meeting and Adjournment  
Wednesday, **August 13, 2003** - 9:00 a.m.  
Water Quality Control Board, Regional Board Meeting Room  
9174 Sky Park Court, San Diego, California

### *Notifications*

- A. Regional Board staff concurs with the remedial alternative proposed in the "Final Corrective

Action Plan for 22 Area, Marine Corps Exchange Gas Station, Marine Corps Base Camp Pendleton" (CAP). Unauthorized subsurface releases of petroleum hydrocarbons at two gas stations in the 22 Area, Marine Corps Gas Station (MGS) and the Marine Corps Exchange Gas Station (MCX) resulted in the formation of two ground water plumes. The plumes, consisting of gasoline and typical gasoline constituents, migrated in the subsurface environment and coalesced to form a single plume that presently is 4,000 feet long. Based on a feasibility study, presented in the CAP, the most effective and implementable corrective action for the plume involves the installation of two subsurface biologically reactive ground water flow-through barrier systems. The biobarriers will be installed perpendicular to ground water flow at two locations within the plume. Presently, the ground water plume is migrating downgradient and may impact the Santa Margarita River ecosystem and several Camp Pendleton production wells. Case files, site investigation reports, and the CAP are available for public review at the RWQCB office. The inclusion of this public notice as part of the RWQCB agenda fulfills the agency's obligation for public notification of the CAP document referenced above. *(Beatrice Griffey)*

- B. On April 24, 2002, the Executive Officer issued Cleanup and Abatement Order No. R9-2003-0178 to San Diego Country Estates Home Owners Association to address the discharge of masonry waste, horse bedding, green waste and boulders (waste) to San Vicente Creek and the damming of San Vicente Creek, which is upstream to San Vicente Reservoir. The Order, issued pursuant to California Water Code section 13304, directs the San Diego Country Estates Home Owners Association to cleanup the waste, remove the dam and abate all effects of the waste discharged into San Vicente Creek. The final cleanup date is January 2, 2004. *(Ben Neill)*
- C. **30-day Comment Period for Waiver of Right to Hearing for Assessment of Civil Liability:** On April 23, 2003, the Executive Officer issued Complaints for Assessment for Civil Liability for failure to pay storm water annual fees. The Dischargers listed below have waived their right to a hearing, paid the full assessment of civil liability proposed in the Complaint, and any outstanding annual fees. The 30-day comment period for these waivers ends on June 20, 2003. Interested Parties may comment on these settlements during the comment period. The Regional Board will consider whether to accept settlement of these matters at its scheduled August 13, 2003 meeting. To ensure that the Regional Board has the opportunity to fully consider written material, written comments will be accepted in the Regional Board's office until 5:00 P.M., Friday June 20, 2003. For a copy of Administrative Civil Liability Complaints listed below, or more information regarding these matters, please contact Vicente Rodriguez at (858) 627-3940 or [rodrv@rb9.swrcb.ca.gov](mailto:rodrv@rb9.swrcb.ca.gov) or see the Regional Board's web site.

| Complaint no. | Site Name                  | WDID no.     | City                   | Proposed Liability |
|---------------|----------------------------|--------------|------------------------|--------------------|
| R9-2003-0188  | Buie Communities           | S9 33S313984 | San Diego              | \$605              |
| R9-2003-0171  | Control Components Inc.    | S9 30S013854 | Rancho Santa Margarita | \$605              |
| R9-2003-0191  | Centex Homes               | S9 33S316937 | Temecula               | \$605              |
| R9-2003-0190  | California Traditions Inc. | S9 37S314490 | San Diego              | \$605              |

- D. **Administrative Civil Liability Complaints Issued:** On May 19, 2003, the Executive Officer issued Complaints for Administrative Assessment for Civil Liability, against Richmond American Homes, Beazer Homes, and Centex Homes for

failure to pay storm water annual fees for construction sites listed below in violation of California Water Code section 13260. The Regional Board will consider these matters at its regularly scheduled meeting on August 13, 2003. If any of the dischargers elect to waive their right to hearing, the item(s) will be removed from the agenda to allow for a 30-day public review period.

### Richmond American Homes

| Complaint no. | Site Name                          | WDID no.     | City           | Proposed Liability |
|---------------|------------------------------------|--------------|----------------|--------------------|
| R9-2003-0234  | Sunbow Phase 2A/B                  | S9 33S309663 | Temecula       | \$605              |
| R9-2003-0235  | Barcelona Classics                 | S9 33S316383 | Wildomar       | \$605              |
| R9-2003-0236  | Richmond–San Marcos                | S9 37S311776 | San Marcos     | \$605              |
| R9-2003-0237  | Tract No. 28753 Rancho Bella Vista | S9 33S316645 | Temecula       | \$605              |
| R9-2003-0238  | Portion of Murietta Hotsprings     | S9 33S316712 | Temecula       | \$605              |
| R9-2003-0239  | Richmond American                  | S9 37S316905 | Rancho Bernado | \$605              |
| Total         |                                    |              |                | \$ 3,630           |

### Beazer Homes

| Complaint no. | Site Name          | WDID no.     | City         | Proposed Liability |
|---------------|--------------------|--------------|--------------|--------------------|
| R9-2003-0219  | Ashton             | S9 30S314116 | San Clemente | \$605              |
| R9-2003-0220  | Tract 28980        | S9 33S312211 | Temecula     | \$605              |
| R9-2003-0221  | Wildomar           | S9 33S314117 | Wildomar     | \$605              |
| R9-2003-0222  | Sycamore Springs   | S9 37S316823 | San Diego    | \$605              |
| R9-2003-0223  | Beazer-San Diego   | S9 30S308390 | San Diego    | \$390              |
| R9-2003-0224  | Tract 29442        | S9 33S312846 | Temecula     | \$390              |
| R9-2003-0225  | Tract 29952 Pebley | S9 33S317558 | Temecula     | \$390              |
| R9-2003-0226  | Rees Road          | S9 37S312402 | Escondido    | \$390              |
| Total         |                    |              |              | \$ 3,980           |

### Centex Homes

| Complaint no. | Site Location   | WDID no.     | City        | Proposed Liability |
|---------------|-----------------|--------------|-------------|--------------------|
| R9-2003-0246  | Miraleste Plaza | S9 37S305456 | Chula Vista | \$455              |
| R9-2003-0247  | Calle Acervo    | S9 37S308547 | Carlsbad    | \$455              |
| R9-2003-0248  | East Palomar Rd | S9 37S314878 | Chula Vista | \$455              |

|              |                 |              |           |       |
|--------------|-----------------|--------------|-----------|-------|
| R9-2003-0249 | Carmel Valley   | S9 37S315244 | San Diego | \$455 |
| R9-2003-0250 | Black Mtn. Road | S9 37S314954 | San Diego | \$455 |

Total \$ 2,275

Interested Parties may comment on these complaints during the comment period. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments will be accepted in the Regional Board's office until 5:00 P.M, Friday, June 20, 2003. These documents can be viewed and copied at the Regional Board's web site at

**<http://www.swrcb.ca.gov/rwqcb9>**. For a copy of these Complaints or more information regarding this matter please contact Vicente Rodriguez at (858) 627-3940 or via e-mail at [rodrv@rb9.swrcb.ca.gov](mailto:rodrv@rb9.swrcb.ca.gov).